

REMARKS:

Claims 1-4, 6-15, 25-28, 30-33, 37-39, 42, 43, 45, 49-53 and 56-94 were pending in the application. Claims 3-4, 7, 10, 58, 60-62, 65-84 and 86-94 have been canceled. Claims 1-2, 6, 8, 9, 11-15, 25-28, 30-33, 37-39, 43, 45, 49-50, 52, 57, 59, 63-64 and 85 have been amended. Claims 1-2, 6, 8, 9, 11-15, 25-28, 30-33, 37-39, 43, 45, 49-51, 52, 57, 59, 63-64 and 85 are currently pending in the application.

35 U.S.C. § 103(a) Rejections:

Claims 1-4, 8-15, 25-27, 30-33, 37-38, 42-43, 45, 49-52, and 57-94 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McLaughlin, U.S. Patent 6,212,387 in view of Love, U.S. Patent 6,934,275, and in further view of Worley, U.S. Patent 5,805,576. Claims 6-7, 53, and 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McLaughlin, Love, and Worley and in further view of Chavez, U.S. Patent 6,070,071. Claims 12, 28, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McLaughlin, Love, and Worley and in further view of Kao, U.S. Patent 6,175,737. Claim 45 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McLaughlin, Love, and Worley and in further view of Ueno, U.S. Patent 5,661,723. With respect to the canceled claims, Applicant submits that the rejection is moot. With respect to the currently Applicant respectfully traverses these rejections.

The prior art references, taken singly or in combination, fail to teach all of the elements of the independent claims. Independent claim 1 recites, in pertinent part:

“a plurality of transceiver stations configured to transmit and receive wireless signals over broadcast channels and dedicated channels, said wireless signals including down-link signals to and up-link signals from mobile stations ... a processor configured to process measurements formed by one or more of said plurality of measurement units to determine preferred ones of said plurality of transceiver stations for use in transmitting wireless signals associated with a particular mobile station over one or more particular dedicated channels, wherein

transmission over the particular dedicated channels for the particular mobile station includes the use of a first radio resource; and a control unit configured to dynamically switch between said preferred ones of said plurality of transceiver stations during said transmitting wireless signals associated with the particular mobile station over the one or more particular dedicated channels, wherein said dynamic switching occurs without changing the first radio resource.” (Emphasis added).

Independent claims 50, 57, and 85, recite combinations of features including limitations similar to those highlighted above.

Applicant submits that neither McLaughlin, Love, or Worley, whether taken separately or in combination, teach a combination of features that includes the limitations highlighted above. In the office action, the Examiner acknowledges that McLaughlin in view of Love fails to teach or suggest a combination of features including “a radio resource used for said particular dedicated channels for said particular mobile station [that] remains unchanged as a result of dynamically switching between said preferred ones of said transceiver stations.” The Examiner contends that Worley teaches the limitations highlighted above in Fig. 4, and in Col. 21, lines 34-45. Applicant respectfully disagrees. In col. 21, lines 34-45, Worley states:

As in FIG. 4, the time lines T1 and T2 refer to communications within a TDMA implementation with a fixed timing offset between forward and reverse channel communications. The time line T3 refers to an offset which could be defined between the collector time base for receiving communications from users and the time base for sending those communications back to the aggregator. If the aggregator time base TB_A were set equal to the broadcaster time base TB_B , this offset would correspond to the collector time base offset $\Delta C1$ and $\Delta C2$ plus any additional time added to allow for signal processing at the collectors.

Nothing in the above citation teaches “dynamically switch[ing] between said preferred ones of said plurality of transceiver stations ... wherein said dynamic switching occurs without changing the first radio resource.” Instead, the above citation is directed to a representation of two

sequential TDMA times slots for two users (e.g., see Worley, col. 6, lines 19-20). Furthermore, Worley teaches that the synchronization is established for multiple users at a single collector on the same carrier (see Worley, col. 10, lines 39-42). Accordingly, the above citation does not teach “dynamically switch[ing] between said preferred ones of said plurality of transceiver stations ... wherein said dynamic switching occurs without changing the first radio resource” as recited in claim 1.

Applicant also notes that the Examiner contends that the above citation corresponds to paragraphs 0014-0017 of Applicant’s specification as filed on December 28, 2000. Applicant respectfully submits that the Examiner is in error, as the above text does not appear anywhere in the specification as filed.

In further reference to Fig. 4, Worley states, in col. 10, lines 39-42:

FIG. 4 depicts the broadcaster to user to collector communications links for normal communications traffic after synchronization is established for multiple users being received by a single collector on the same carrier. (Emphasis added).

Again, nothing in the above citation teaches “dynamically [switching] between said preferred ones of said plurality of transceiver stations,” much less the combination of features including the limitation “wherein said dynamic switching occurs without changing the first radio resource” as highlighted in the citation of claim 1 above. **Thus, even if Worley were combined with McLaughlin and Love as proposed by the Examiner, the resulting combination would still fail to teach “dynamically switch[ing] between said preferred ones of said plurality of transceiver stations ... wherein said dynamic switching occurs without changing the first radio resource” as recited in claim 1 and similarly recited in the other ones of the independent claims.** Applicant therefore respectfully requests removal of the 35 U.S.C. § 103(a) rejections.

Applicant notes that claims 18-19 and 54-55 were listed as being rejected under 35 U.S.C. § 103(a) as being unpatentable over McLaughlin, Love, and Worley and in further view of Chavez. However, since these claims were canceled, their rejection is thus believed moot.

CONCLUSION:

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6057-54800/EAH.

Respectfully submitted,

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